

**MINUTES  
of the  
FIFTH MEETING  
of the  
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**November 21, 2005  
Santa Fe**

The fifth meeting of the radioactive and hazardous materials committee was called to order at 10:10 a.m. on Monday, November 21, 2005, by Senator Phil A. Griego, chair.

**Present**

Sen. Phil A. Griego, Chair  
Rep. John A. Heaton, Vice Chair  
Rep. Donald E. Bratton  
Rep. Manuel G. Herrera  
Sen. Carroll H. Leavell  
Sen. Richard C. Martinez  
Rep. Jim R. Trujillo  
Rep. Jeannette O. Wallace

**Absent**

Sen. Vernon D. Asbill  
Sen. John T.L. Grubestic  
Sen. Gay G. Kernan  
Rep. Antonio Lujan

**Advisory Members**

Rep. Thomas A. Anderson  
Rep. Nick L. Salazar

Sen. Mary Jane M. Garcia  
Sen. Clinton D. Harden, Jr.  
Sen. William H. Payne  
Sen. John Pinto  
Rep. Avon W. Wilson

**Staff**

Evan Blackstone  
Jeret Fleetwood

**Guests**

The guest list is in the meeting file.

**Monday, November 21**

**Committee Business**

Evan Blackstone, staff attorney for the committee, presented the committee with a draft of a letter to the legislative finance committee (LFC) expressing support for the New Mexico department of environment's (NMED) base budget expansion request that adds more employees to the hazardous waste bureau. James Bearzi, chief of NMED's hazardous waste bureau, explained that the expansion is necessary for NMED to carry out its regulatory obligations and ensure that the Los Alamos national laboratory (LANL) properly proceeds with its cleanup of

contaminated legacy waste sites pursuant to a federal consent order. Revenues to support the requested staff expansion have been provided to NMED pursuant to a memorandum of agreement between NMED and the federal department of energy executed on September 27, 2005. The expansion of the base program is estimated to cost an additional \$663,700 and will provide five new positions to oversee corrective action orders and permits with LANL. Members of the committee stated the draft of the letter should be amended to include the exact number of employees being added to the hazardous waste bureau and the cost. With these changes, the letter was approved by unanimous consent.

### **NMED: Budget Overview**

Jim Perry, division director of NMED's administrative services division, provided a brief overview of the NMED budget requests for the upcoming legislative session. He explained that a recent audit exposed some problems with NMED's accounting practices, but that a fair amount of work has been done to resolve those issues and the NMED books are now transparent. Mr. Perry went on to note that the NMED budget would be basically flat, but that the expansion request for the cleanup of LANL and an increase in group health insurance for the agency would account for a slight increase in the NMED budget. The committee asked Mr. Perry about staffing increases and whether some salaries were paid out of the corrective action fund. The committee suggested that a more specific presentation by NMED on its budget would help the committee understand the details of NMED's 2007 budget request; without a more detailed presentation, the committee is unable to express its support for NMED's budget to the LFC.

### **Recycling and Disposal of Electronic Waste: Task Force Report**

E. Gifford Stack, manager of outreach for NMED's solid waste bureau, and Justin Stockdale of the Santa Fe solid waste management agency provided the committee with a summary of the interim work completed by a task force studying the disposal of electronic waste. Mr. Stack explained that Senate Joint Memorial 9, passed during the 2005 legislative session, called on the secretary of environment to form a task force to explore the issue of recycling and disposal of electronic waste and to make recommendations. Mr. Stack clarified that while there are a number of definitions of electronic waste, the task force chose to focus primarily on computer systems, such as central processing units, monitors or cathode ray tubes (CRTs) and peripherals (such as printers and keyboards). Mr. Stack went on to describe that electronic waste poses some environmental risks, such as those from the lead found in color CRTs. Next, Mr. Stack and Mr. Stockdale pointed out that while it is currently unclear exactly how much electronic waste finds its way into municipal landfills, estimates place the amount somewhere between 1.5 and four percent of the total municipal solid waste stream.

Mr. Stockdale next discussed the means of disposing and recycling electronic waste that were explored by the task force. He pointed out that while no federal regulations currently exist on the subject, a number of states have addressed the issue through their laws, with California implementing the most progressive measures. Mr. Stockdale noted that California residents are charged a fee when they purchase items such as computers that will eventually wind up as electronic waste, and that those fees go into a fund set up for the recovery, recycling and disposal

of electronic waste. He pointed out that while such a program might not work in New Mexico, a voluntary program for residents to turn in electronic waste would help address the issue here. Mr. Stockdale discussed a "hub and spokes" model, whereby rural communities bring their electronic waste to a centrally located, larger community for disposal. He noted that such a model would likely be a good fit for a state with many rural areas like New Mexico.

Other recommendations made by the task force include a strong education program about proper disposal of electronic waste; a pilot program to assess the viability of the hub and spokes model of gathering electronic waste from New Mexico communities; and having local and national retailers promote electronic waste recycling.

Questions and comments included the:

- ability of small, rural communities to gather and transport electronic waste to hub sites;
- effectiveness of large businesses in disposal of electronic waste;
- membership of the task force;
- representation of small communities on the task force, such as the New Mexico association of counties; and
- economics of electronic waste disposal programs.

### **Consideration of Legislation**

The committee discussed and endorsed the following bills for introduction in the next legislative session:

1. Uniform Environmental Covenants Act: this act would provide for enforcement of use limitations on real property due to adverse environmental conditions; and
2. amendments to the Hazardous Waste Act: this bill would allow NMED to enter into a voluntary fee agreement with a business that would be a substitute for all or some of the fees included in the fee schedule that is set by the environmental improvement board under the act.

### **NMED: Overview of Revised Rules for Septic Tanks and Other Sewage Treatment and Disposal Systems**

Ron Curry, secretary of environment, Anna Marie Ortiz, Dennis McQuillan and Brian Shaw, also of NMED, summarized the recently revised rules adopted for septic tanks and discussed other developments regarding septic tank system regulation by NMED. They explained that septic systems are the leading cause of ground water contamination and that only about half of the septic systems in New Mexico have a permit. Ms. Ortiz noted that while a septic tank is a safe means of on-site sewage treatment if conditions are suitable, too many tanks in a small area can overload the ability of the earth to purify the sewage. She provided the committee with examples of improperly sited or illegal septic systems and some of the problems such systems can cause.

Ms. Ortiz and Mr. McQuillan went on to discuss the major rule changes NMED has made

regarding septic systems. They pointed out that standards have been set, permitting processes have been put in place and requirements for property transfer inspections have been implemented. Ms. Ortiz went on to discuss the development of advanced septic treatment systems and how such systems often help property owners meet NMED's septic system requirements because traditional ones simply will not work in all applications.

Randy Traynor, lobbyist for the New Mexico homebuilders association, discussed some of the problems homebuilders and homeowners have encountered in trying to meet the new NMED septic system regulations. He explained that permit requirements often cause difficulties for people who do have permits but have lost the actual permit.

Lauren Earls, a Los Alamos-based real estate broker, explained that NMED's requirement for septic system inspection on property transfers is causing problems within the Los Alamos real estate market because inspection costs have increased dramatically and enforcement is inconsistent.

Questions and comments included:

- whether septic systems are becoming too expensive and if rules regarding them are becoming too cumbersome;
- the cost of advanced septic treatment systems;
- the cost of new traditional septic treatment systems;
- NMED reasoning in moving the district office regarding septic system inspections to Albuquerque;
- the difficulty of making septic system inspection certificates part of real estate closing documents;
- the number of septic system inspectors hired by NMED to work in New Mexico; and
- whether NMED regulations apply to the Navajo Nation.

### **Consent Order on Environmental Remediation for Sandia National Laboratories**

Mr. Bearzi and Fran Nimick, environmental restoration project manager for Sandia national laboratories (SNL), provided the committee with an update on cleanup progress pursuant to the federal consent order that mandates corrective action for contaminated sites at SNL. They stated that the purpose of the order was to accelerate the pace of cleanup, set requirements and schedules and provide stable funding from the federal government for the remediation. They explained that the LANL efforts under its consent order have recently just begun, and that SNL is nearing the end of its cleanup under its consent order. They provided the committee with a schedule of the SNL cleanup, pointing out that many of the items on the schedule have been completed. Mr. Bearzi also discussed public comments and hearings as well as NMED staff's involvement in the cleanup effort.

Questions and comments included the:

- amount of time spent actually cleaning up sites versus writing reports about the

- cleanup;
- cleanup of mixed-waste landfill;
- appeal of NMED's decision on leaving some material in SNL's mixed-waste landfill; and
- cleanup of an area called the "crash site".

### **Climate Change in New Mexico**

Jim Norton, director of NMED's environmental protection division, provided the committee with testimony regarding climate change in New Mexico. He explained that the steady rise in U.S. annual mean temperatures and New Mexico's mean winter temperatures over the past 25 years, as well as increased carbon dioxide concentrations in the atmosphere, will likely result in warmer temperatures. Mr. Norton stated that warmer temperatures can lead to droughts and floods as well as less snowpack, resulting in earlier and faster snow runoff and more forest fires.

Mr. Norton informed the committee that Governor Richardson signed an executive order on June 9, 2005 that requires emissions inventory and tracking and establishes reduction targets for emissions over the next few decades. He also discussed New Mexico's role in the production of greenhouse gases, indicating that the state produces twice the national average. Mr. Norton also noted that electricity production accounts for roughly 40 percent of the greenhouse gas emissions in New Mexico, compared to 32 percent nationally.

Mr. Norton also discussed the mission of the climate change advisory group created by Governor Richardson's executive order. The group will propose strategies for reducing New Mexico's greenhouse gas emissions to targeted levels and make recommendations by December 2006. The group is comprised of 40 members from industry, agriculture, nongovernmental organizations, tribes, laboratories, universities and municipalities. Mr. Norton summarized the potential solutions the advisory group is exploring, including greater efficiency in buildings and vehicles; increased use of renewable energy sources; and economic and environmental improvements in oil and gas production.

Questions and comments included:

- the value of nuclear power as a means of reducing greenhouse gas emissions;
- New Mexico's role as an energy-producing state, making it appear as though it produces more greenhouse gases than consumer states;
- the efforts of other states to reduce greenhouse gas emissions;
- the time it will take for existing greenhouse gases to dissipate into the atmosphere;
- the effect of global warming on the creation of hurricanes; and
- the wisdom of using several decades of data to draw conclusions about long-term climate change.

There being no further business, the committee adjourned at 5:00 p.m.